

REMARKS

An interview between Examiner Baker and Dennis Smid (one of the applicants' undersigned attorneys) was held on November 20, 2003. The applicants and Mr. Smid wish to thank the Examiner for his time and consideration for such interview.

Claims 1-72 are in this application.

Assent of Assignee was objected to under 37 C.F.R. 1.142(a). A new Assent of Assignee accompanies this Amendment which is believed to overcome the objection under 37 C.F.R. 1.142(a).

The Examiner asserted that the declaration does not meet the requirements of 37 C.F.R. 1.175(a) (1).

In response, 37 C.F.R. 1.175(a)(1) recites the following:

(a) The reissue oath or declaration in addition to complying with the requirements of § 1.63, must also state that:

(1) The applicant believes the original patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent, stating at least one error being relied upon as the basis for reissue; and ...

The declaration submitted in the present application states in part the following:

7. I verily believe the original Letters Patent to be wholly or partly inoperative or invalid by reason of my claiming more or less than I had a right to claim in the patent at least in that I did not need to claim "having ... a thickness of 1.2mm ± 0.1mm" in method claim 1 and/or in apparatus claim 38 of the original patent. (Underlining and bold added for emphasis.)

Accordingly, it is respectfully submitted that the present declaration identifies at least one error and satisfies the requirements of 37 C.F.R. 1.175(a)(1). This matter was discussed with the Examiner during the November 20th conference.

Claims 1-72 were rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. In explaining this rejection, the Examiner stated that the "nature of the defect in the declaration is set forth in the discussion above in this Office action."

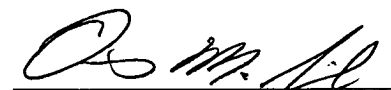
Since the declaration is believed not to be defective and to satisfy the requirements of 37 C.F.R. 1.175(a)(1) as previously described, it is respectfully requested that the above rejection under 35 U.S.C. 251 be withdrawn.

In view of the foregoing, entry of this amendment, favorable reconsideration and withdrawal of the rejection of claims 1-72 and the allowance of this application with claims 1-72 are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Dennis M. Smid
Reg. No. 34,930
(212) 588-0800